

ORIGINAL

Arizona Corporation Commission
DOCKETED



0000140039

OCT 15 2012

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE- Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

2012 OCT 15 P 3:08

ARIZONA CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION
OF DII-EMERALD SPRINGS, L.L.C. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WASTEWATER
SERVICES.

DOCKET NO. WS-20794A-11-0140

IN THE MATTER OF THE APPLICATION
OF DII-EMERALD SPRINGS, L.L.C. FOR
APPROVAL OF RATES.

DOCKET NO. WS-20794A-11-0279

IN THE MATTER OF THE APPLICATION
OF DOYLE THOMPSON FOR APPROVAL
OF A CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE SEWER
SERVICES.

DOCKET NO. SW-20851A-12-0226

**STAFF'S RESPONSE TO MOTION TO
DISMISS AND STATUS UPDATE**

On June 7, 2012, Doyle Thompson ("Thompson") filed an application for a certificate of convenience and necessity ("CC&N application"). The Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission") issued a letter of insufficiency on July 9, 2012. On October 10, 2012, DII Emerald Springs, LLC ("DII") filed a motion to dismiss the CC&N application on the grounds that application remains insufficient to date. For the forthcoming reasons, Staff respectfully requests that DII's motion be denied.

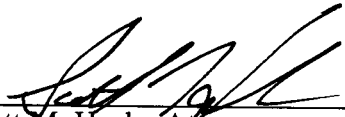
Pursuant to Ariz. Admin. Code R14-2-610(C)(3), "Staff may terminate an application if the applicant does not remedy all deficiencies within 60 calendar days of the notice of deficiency."¹ Although Thompson failed to remedy all items of insufficiency within 60 days, Staff does not believe the CC&N application should be terminated under the present circumstances.

Staff continues to work diligently with Thompson to address the items of insufficiency and Thompson is cooperating in that process. Staff intends to schedule a site visit with Thompson in the near future to resolve the remaining items of insufficiency, which include certain operating expense information and wastewater flow data. If the CC&N application is terminated at this juncture, the

¹ (emphasis added).

1 efforts of Staff and Thompson to achieve sufficiency would be wasted. Accordingly, Staff
2 respectfully requests that DII's motion be denied.
3

4 RESPECTFULLY SUBMITTED this 15th day of October, 2012.
5

6 
7 Scott M. Hesla, Attorney
8 Legal Division
9 Arizona Corporation Commission
10 1200 West Washington Street
11 Phoenix, Arizona 85007
12 (602) 542-3402

13 Original and thirteen (13) copies
14 of the foregoing filed this
15 15th day of October, 2012 with:

16 Docket Control
17 Arizona Corporation Commission
18 1200 West Washington Street
19 Phoenix, Arizona 85007

20 Copies of the foregoing mailed this
21 15th day of October 2012 to:

22 Henry Melendez
23 DII-EMERALD SPRINGS, LLC
24 212 East Rowland Street, No. 423
25 Covina, California 91723-3146

26 Julie A. LaBenz
27 LAW OFFICE OF JOHN C. CHURCHILL
28 1300 Joshua Avenue, Suite B
Parker, Arizona 85344
Attorney for Emerald Springs
Homeowners Association

Steve Wene, Esq.
MOYES SELLERS & HENDRICKS LTD
1850 North Central Avenue, Suite 1100
Phoenix, Arizona 85004
Attorney for Robhana, Inc.
and Charles Dunn Capital, Inc.

1 Doyle R. Thompson
2 COPPER STATE GAME CLUB, R.V. AND
3 MOBILE HOME PARK
4 P.O. Box 287
5 Ehrenberg, Arizona 85334

6 Doyle R. Thompson
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28